

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JACQUES RIVERA,)	
)	
<i>Plaintiff,</i>)	No. 12 C 4428
)	
v.)	Hon. Joan B. Gottschall,
)	District Judge
)	
REYNALDO GUEVARA, <i>et al.</i> ,)	Hon. Mary M. Rowland,
)	Magistrate Judge
<i>Defendants.</i>)	
)	JURY TRIAL DEMANDED

**PLAINTIFF'S SUPPLEMENTAL DEFINITION
FOR INCLUSION IN THE DUE PROCESS INSTRUCTION**

Plaintiff JACQUES RIVERA, by his attorneys, respectfully submits the following
SUPPLEE:

1. With apologies to the Court for the last-minute submission, Plaintiff respectfully proposes that the Court add a sentence to the definition of “material” in the due process instruction.
2. Specifically, Plaintiff submits that a second sentence should be added to that definition reading: **“You should consider whether evidence was material by considering all evidence that was suppressed cumulatively, rather than examining each piece of evidence in isolation.”**
3. The Supreme Court has stressed recently that this cumulative examination of evidence is important to *Brady* claims. *Wearry v. Cain*, 136 S. Ct. 1002, 1007 (2016); *Kyles v. Whitley*, 514 U.S. 419, 441 (1995). Plaintiff thinks the instruction is important in this case.
4. Plaintiff has conferred with Defendants, and Defendants object to this addition on the ground that the Court already determined it will use the pattern instruction, and because the

additional definitional language is not part of the pattern instruction, is cumulative, and is unnecessary.

Respectfully submitted,

JACQUES RIVERA

By: /s/ Jon Loevy
One of Plaintiff's Attorneys

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CERTIFICATE OF SERVICE

I, Jon Loevy, an attorney, hereby certify that on June 26, 2018, I filed the foregoing via the Court's CM/ECF system and thereby served a copy on all counsel of record.

/s/ Jon Loevy
One of Plaintiff's Attorneys